

## **REGULAR MEETING AGENDA**

Wednesday, January 27, 2016     7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

### **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory**

**responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Discussion, deliberation and possible authorization for Town Attorney and Planning and Zoning Director Jeremy Ginsberg to settle specific pending litigation.

## **CONTINUATION OF PUBLIC HEARINGS**

### **CALENDAR NO. 53-2015**

**TO BE RECONTINUED TO FEBRUARY 24, 2016**

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 2.5 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 22.5 feet minimum required east side yard setback; and 18.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 55-2015**

Opened on December 16, 2015 and immediately continued to January 20, 2016 at the applicant's request due to the lack of a full 5 member panel, reopened on January 20, 2016 and recontinued to tonight January 27, 2016. Since no testimony, comment, or additional information was provided to the ZBA on December 16<sup>th</sup> or January 20<sup>th</sup>, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing until no later than March 25, 2016 (up to 100 total days).

The application of Robert Brown submitted on November 18, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of the kitchen roof, the construction of a second story addition and a covered front porch; Section 406: 14.9 in lieu of 30.0 feet minimum required front yard setback and 39.9 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Anthony Lane

for the kitchen reconstruction; 19.3 in lieu of 30.0 feet minimum required front yard setback and 44.3 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Anthony Lane for the second story addition; and 22.7 in lieu of 30.0 feet minimum required front yard setback and 47.7 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Anthony Lane for the covered porch. The property is situated on the southwest corner of the intersection formed by Anthony Lane and Hillside Avenue and is shown on Assessor's Map #47 as Lot #45, being 39 Hillside Avenue and located in an R-1/3 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 02-2016**

The application of Tracy Becker and National Sign Corporation on behalf of Cook Family Ltd Ptnr dba Bertucci's Kitchen ♦ Bar submitted on December 18, 2015 for an amendment of Calendar No. 30-2008 and variances of Sections 923 and 926 of the Darien Zoning Regulations; to allow modifications to the existing wall and awning signs; Section 923: 16.0 inch in lieu of 10.0 inch maximum height allowable for letters and Section 926: internal wall sign illumination where none is permitted. The property is situated on the southeast side of the Boston Post Road opposite the intersection with West Norwalk Road and is shown on Assessor's Map #32 as Lots #1 & #2, being 54 Boston Post Road and located in an SB-E (commercial) Zone.

### **CALENDAR NO. 04-2016**

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Brandt McKee & Jacqueline Stoddard submitted on December 22, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction and enlargement of a one story garage with an attached shed and breezeway, and the construction of a one story house addition with a porch and landing; Section 406: 5.7 and 16.4 in lieu of 40.0 feet minimum required north rear yard setback; and 26.6 and 27.8 in lieu of 40.0 feet minimum required east rear yard setback. The property is an interior lot accessed from a common driveway situated on the east side of Nearwater Lane approximately 600 feet south of the intersection of Nickerson Lane and is shown on Assessor's Map #57 as Lot #11, being 114 Nearwater Lane and located in an R-1 (residential) Zone.

### **CALENDAR NO. 03-2016**

The application of Philip Hubbard, AIA, PH Architects, LLC and Beacon Development, LLC on behalf of Secure Residential, LLC submitted on December 21, 2015 for variances

of Section 406 of the Darien Zoning Regulations; to allow the construction of a new covered front entry and stairs, attic story dormers, roof reconstruction, a two story rear addition, and the installation of AC equipment; Section 406: 19.8 in lieu of 30.0 feet minimum required front yard setback and 44.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Park Place for the covered entry and stairs; 28.7 in lieu of 30.0 feet minimum required front yard setback, 13.2 in lieu of 14.7 feet minimum required west side yard setback and 17.3 in lieu of 18.7 feet minimum required east side yard setback for the attic story dormers; 6.3 in lieu of 14.7 feet minimum required west side yard setback, 10.3 in lieu of 18.7 feet minimum required east side yard setback, and 16.6 in lieu of 25.0 feet minimum required total of two side yard setbacks for the roof reconstruction; 10.5 in lieu of 14.7 feet minimum required west side yard setback and 15.5 in lieu of 18.7 feet minimum required east side yard setback for the two story rear addition; and 13.2 in lieu of 14.7 feet minimum required west side yard setback for the AC equipment. The property is situated on the south side of Park Place approximately 430 feet east of the intersection with Noroton Avenue and is shown on Assessor's Map #42 as Lot #78, being 18 Park Place and located in an R-1/3 (residential) Zone.

#### **CALENDAR NO. 07-2016**

The application of Douglas DiVesta, PE and DiVesta Civil Engineering Associates, Inc. on behalf of Everett Schenk submitted on December 23, 2015 for a determination under Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 61,896 square feet (1.42 acres) in lieu of 87,120 square feet (2.0 acres) minimum required lot size and with a variable lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the lot with 161.72 in lieu of 200.0 feet minimum required lot width. The property is situated on the east side of Salisbury Road approximately 450 feet southeast of the intersection with Pembroke Road and is shown on Assessor's Map #1 as Lot #101, being 19 Salisbury Road and located in an R-2 (residential) Zone.

#### **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **OTHER BUSINESS**

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1. Approval of Minutes of meeting on November 18, 2015. ZBA members attending this meeting were Vic Capellupo, Rich Wood, Jeff Williams, Mike Nedder and Kevin Fullington.
2. Approval of Summary Minutes of meeting on December 16, 2015. ZBA members attending this meeting were Vic Capellupo and Ruth Anne Ramsey.
3. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
4. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

## **ADJOURN**